

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, September 21, 2015**

OPEN SESSION

**(All times are approximate and subject to change.)
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html**

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 1:00 p.m.

AGENDA

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the July 20 and 21, 2015 Board of Parole Hearings Executive Board Meeting
3. Approval of the Draft Minutes from the August 17 and 18, 2015 Board of Parole Hearings Executive Board Meeting
4. Approval of the Parole Suitability Hearings and Backlog Report for September 2015
5. Approval of Motions for Hearings with Procedural Errors – No motions to consider
6. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless a Board Member requests separate action.

REPORTS

7. Report from Executive Officer
 - Legislative Changes Impacting Forensic Assessment Division (FAD) Workload
8. Report from Chief Counsel
 - October 19-23, 2015 Training Conference
 - Proposed Administrative Directive Regarding Clarifying Questions, presented by Veronica Mendoza, Senior Staff Attorney
9. Report from Chief Deputy of Program Operations
 - Inmate Panel Attorney Orientation Update
 - BITS (Board Information Technology System) Update, presented by Ted Rich, Special Projects Liaison

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

10. Report from Chief Deputy of Field Operations

- Mentally Disordered Offenders (MDO) Independent Evaluator Orientation Update

11. Report from Chief Psychologist, Forensic Assessment Division

- Hiring and Training of New Staff

12. Report from Chief Administrator, Offender Investigations and Screening Division

- Hiring and Training of New Staff

OPEN COMMENTS

13. BPH Commissioners – Agenda Items for Future Meetings

14. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

MEETING RECESSED TO TUESDAY, SEPTEMBER 22, 2015

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, September 21, 2015**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 2:00 p.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

1. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Howard Moseley, Chief Counsel, Jerome Hessick, Senior Staff Attorney, and Dr. Cliff Kusaj, Chief Psychologist

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issue

1. Ex Parte Communications, presented by Jennifer Shaffer, Executive Officer, Howard Moseley, Chief Counsel, and Mina Choi, Staff Attorney

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, September 22, 2015**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 9:00 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

1. *Coleman/Plata v. Brown* (E.D. Cal., Case No. 2:90-CV-0520 LKK JFRM P and N.D. Cal., Case No. C01-1351 THE)(pending), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, September 22, 2015**

OPEN SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 10:00 a.m.

AGENDA

MEETING RECONVENED (Continued from September 21, 2015)

15. Roll Call

EN BANC REFERRALS

16. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. SCOGGINS, ROCKY	J-42094
Sentencing Court(s): Riverside	

17. Referral by the Chief Counsel pursuant to Penal Code section 3041(b) and California Code of Regulations, title 15, section 2042 to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

B. BROUGHTON, JOSEPH	A-40189	To consider whether the proposed decision is consistent with <i>In re Lawrence</i> (2008) 44 Cal.4th 1181
Sentencing Court(s): Sacramento		
C. HAMILTON, GREGORY	D-19499	To consider whether the proposed decision is consistent with <i>In re Lawrence</i> (2008) 44 Cal.4th 1181
Sentencing Court(s): San Francisco		
D. JENKINS, CLIFFORD	H-74146	To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)
Sentencing Court(s): Los Angeles		

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| E. JONES, MELVIN
Sentencing Court(s):
Los Angeles | T-80367 | To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).) |
| F. SELLERS, ROBERT
Sentencing Court(s):
Alameda | H- 05066 | To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).) |

18. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes.

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| G. COMEAUX, MICHAEL
Sentencing Court(s):
Alameda | C-09169 | To consider new confidential information |
| H. MORCELI, ABDELKADER
Sentencing Court(s):
Riverside | F-97754 | To consider new confidential information |
| I. RODRIQUEZ, MARCOS
Sentencing Court(s):
Alameda | H-93454 | To consider new information regarding alleged institutional misconduct on May 13, 2015 |

19. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044(b) to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

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| J. CAREY, RICHARD
Sentencing Court(s):
Tuolumne | J-62852 |
| K. PERALTA, ADOLFO
Sentencing Court(s):
Los Angeles | T-58833 |
| L. PRITCHARD, ERIC
Sentencing Court(s):
Los Angeles | K-78061 |
| M. TROUNG, TAI
Sentencing Court(s):
San Diego | K-13333 |

20. Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed five (5) minutes.

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| N. NGO, NGUYET
Sentencing Court(s):
Los Angeles | N-09063 |
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21. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041(e).

O. FIELD, JOHN

H-59376

Sentencing Court(s):
San Diego

OPEN COMMENTS

22. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decisions in the above hearings will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH internet page at the following address: www.cdcr.ca.gov/BOPH/enbanc.html.

CLOSED SESSION – EN BANC REFERRALS

Pursuant to Government Code section 11126(c)(4)

("...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.")

ADJOURNMENT

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